## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION CIVIL NO. 3:07-cv-00365-FDW

CHANEL, INC., a New York	)	
corporation,	)	
	)	
Plaintiff,	)	
	)	ORDER
vs.	)	
	)	
R.J. DAVENPORT, III, et. al.,	)	
	)	
Defendants.	)	
	)	

THIS MATTER is before the Court *sua sponte* concerning the status of Plaintiff's case and Plaintiff's failure to prosecute its claim.

On August 30, 2007, Plaintiff filed its complaint against Defendant R.J. Davenport, III, and Does 1-10, as well as several other aliases used by R.J. Davenport. The Court issued the summonses on August 30, 2007 (Doc. No. 2). Plaintiff has not provided proof of service of the complaint and summons on Defendant, and the deadline for requesting an extension of time for service has long since expired. Furthermore, Defendants have not waived service or otherwise made any appearance in this matter.

Other than filing the original Complaint, Plaintiff has taken no further action in prosecution of its claims against Defendant. Within nine (9) calendar days from the date of this Order, Plaintiff is instructed to SHOW CAUSE why this action should not be dismissed. If Plaintiff fails to respond within nine (9) calendar days, this Court will dismiss this action for Plaintiff's failure to prosecute.

IT IS, THEREFORE, ORDERED THAT, on or before March 7, 2008, Plaintiff shall SHOW CAUSE why this action should not be DISMISSED pursuant to Rule 41(b) of the Federal Rules of

Civil Procedure for failure to prosecute this action. Plaintiff is warned that failure to make a timely response to this Order to Show Cause will result in DISMISSAL of this lawsuit.

IT IS SO ORDERED.

Signed: February 27, 2008

Frank D. Whitney

United States District Judge